

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

|                                 |   |                           |
|---------------------------------|---|---------------------------|
| _____                           | ) |                           |
| UNITED STATES OF AMERICA        | ) |                           |
|                                 | ) |                           |
|                                 | ) |                           |
| v.                              | ) | Criminal No. 05-10102-JLT |
|                                 | ) |                           |
|                                 | ) |                           |
| JOHN BRUENS, MARY STEWART, MARC | ) |                           |
| SIROCKMAN, MELISSA VAUGHN       | ) |                           |
|                                 | ) |                           |
| Defendants.                     | ) |                           |
| _____                           | ) |                           |

**GOVERNMENT'S OPPOSITION TO DEFENDANTS'  
PROPOSED JURY INSTRUCTION ON GOOD FAITH**

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, opposes the defendants' request for a good faith jury instruction (Defendants' Supp. Request 31).

Such an instruction is not applicable in this case because there has been absolutely no evidence presented that any of the defendants acted in good faith, including no evidence of their subjective beliefs or opinions. The instruction as written forces the government to prove a negative, and is inappropriate and will tend to confuse the jury.

The government suggests that its proposed instructions on "knowingly" and "willfully" suffice to establish the proper guidance to the jury on the intent issue.

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Susan M. Poswistilo  
MARY ELIZABETH CARMODY  
SUSAN M. POSWISTILO  
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that these documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: 05/01/2007

/s/ Susan M. Poswistilo  
SUSAN M. POSWISTILO  
Assistant United States Attorney